Hanifah bt Hamzah & Ors v Sykt Utusan Melayu (M) Bhd (voluntary winding up of debtors) and another case

COURT OF APPEAL (PUTRAJAYA) — CIVIL APPEAL NO W-01(A)-5–01 OF 2022, W-01(A)-6–01 OF 2022, W-02(A)-2042–11 OF 2021 AND W-02(A)-2043–11 OF 2021
HANIPAH FARIKULLAH, AZIMAH OMAR AND KOMATHY SUPPIAH JJCA
15 JULY 2024

Companies and Corporations — Winding up — Creditors' voluntary winding up — Property and proceedings — Appellants commenced proceedings in Industrial Court against respondent for unfair dismissal — Proceedings were commenced after commencement of creditor's voluntary winding up and after filing of proof of debt with liquidator — Whether minister exercised his discretion in accordance with law when he referred appellants' claims for unfair dismissal to the Industrial Court under s 20(3) of Industrial Relations Act 1967 when appellants had not obtained prior leave of court under s 451(2) of Companies Act 2016 — Whether appellants having lodged proofs of debt with liquidator were barred from instituting proceedings in Industrial Court against respondent

Labour Law — Industrial Court — Minister's discretion — Minister's discretion to refer claim for unfair dismissal to Industrial Court — Appellants commenced proceedings in Industrial Court against respondent for unfair dismissal — Proceedings were commenced after commencement of creditor's voluntary winding up and after filing of proof of debt with liquidator — Whether minister exercised his discretion in accordance with law when he referred appellants' claims for unfair dismissal to the Industrial Court under s 20(3) of Industrial Relations Act 1967 when appellants had not obtained prior leave of court under s 451(2) of Companies Act 2016 — Whether appellants having lodged proofs of debt with liquidator were barred from instituting proceedings in Industrial Court against respondent - Companies Act 2016 s 451(2) — Industrial Relations Act 1967 s 20(3)

When the respondent company ceased business as it was placed under creditor's voluntary liquidation, the appellants' employments with the respondent were terminated. The appellants then lodged representations to the Director General of Industrial Relations ('the DGIR') regarding their termination from the respondent. The DGIR had called for reconciliation meetings between the appellants and the liquidator of the respondent but the effort was in vain. The DGIR then referred the matter to the Minister of Human Resources ('the minister') and the minister subsequently decided to

refer the appellants' representations to the Industrial Court under s 20(3) of the Industrial Relations Act 1967 ('Act 177'). The respondent disputed the action taken by the minister in referring the appellants' claims for unfair dismissal to the Industrial Court when the appellants had not obtained the prior leave of the court under s 451(2) of the Companies Act 2016 ('Act 777'). In addressing the respondent's grievance, the High Court held that the appellants were bound by the liquidation process and could not have their claims addressed in the Industrial Court without the prior leave of the court. Aggrieved by the High Court's decision, the appellants filed the present appeals. The issues to be determined were: (a) whether the minister exercised his discretion in accordance with the law when he referred the appellants' claims for unfair dismissal to the Industrial Court under s 20(3) of Act 177 when the latter had not obtained the prior leave of the court under s 451(2) of Act 777; and (b) whether the appellants having lodged proofs of debt with the liquidator were barred from instituting proceedings in the Industrial Court against the respondent.

Held, dismissing the appeals with costs of RM10,000 to be paid by the appellants to each respondent:

(1) Section 451(2) of Act 777 was couched in mandatory language. It stipulated that no action or proceedings could be brought against the company in liquidation except with the leave of the court. It required all claimants against a company under liquidation to recover their monetary claims in the winding up only, except with the leave of the court (see para 13).

(2) The court agreed with trial judge's view that that s 451(2) of Act 777 must be read together with s 20(3) of Act 177 and the former being a more specific provision which dealt with when proceedings could be instituted against a company when a winding up order had been made, prevailed over s 20(3) of Act 177, a general provision. The court was in agreement with the trial judge that the minister erred in law and exceeded the power given to him under Act 177 in referring the appellants' claims to the Industrial Court without ensuring that the appellants had first obtained leave from the winding up court. The court therefore held that the trial judge was correct in holding that pursuant to s 451 of Act 777, the appellants' claims could only be recovered in the winding up proceedings and could not be recovered by other means except with leave of the court (see paras 16–17).

(3) By lodging their proofs of debt, the appellants had lost their right to go to the Industrial Court. The appellants had, in their claims to the liquidator, sought for many reliefs, including termination benefits and compensation in lieu of termination. As these claims were capable of being proved in the liquidation, and were pending adjudication at the

time, the appellants were bound by the liquidation process. Their remedy if they were dissatisfied with the decision of the liquidator, was to appeal against the liquidator's decision to the High Court as provided under Act 777. The court thus rejected the appellants' contention that they were entitled to refer their dispute to the Industrial Court regardless of whether or not they had submitted proofs of debts. Having chosen to enforce their claim by submitting proofs of debt, they were bound by the liquidation process (see paras 21 & 23).

(4) In the circumstances, there was no reason for the court to disturb the decisions which were being appealed against. The court agreed with the High Court's reasons for quashing the decision of the minister and holding that the appellants were bound by the liquidation process and could not have their claims addressed in the Industrial Court without the prior leave of the court (see para 24).

[Bahasa Malaysia summary

Perayu-perayu telah ditamatkan pekerjaan mereka oleh syarikat responden apabila responden memberhentikan perniagaannya kerana ia diletakkan di bawah penyelesaian sukarela pemiutang. Perayu-perayu kemudiannya mengemukakan representasi kepada Ketua Pengarah Perhubungan Perusahaan ('KPHDN') berhubung penamatan mereka daripada responden. KPHDN telah mengadakan mesyuarat perdamaian antara perayu-perayu dan penyelesai responden tetapi usaha tersebut sia-sia. KPHDN kemudiannya merujuk perkara tersebut kepada Menteri Sumber Manusia ('menteri') dan menteri kemudiannya memutuskan untuk merujuk representasi perayu-perayu ke Mahkamah Perusahaan di bawah s 20(3) Akta Perhubungan Perusahaan 1967 ('Akta 177'). Responden mempertikaikan tindakan yang diambil oleh menteri dalam merujuk tuntutan perayu-perayu untuk penamatan yang tidak adil kepada Mahkamah Perusahaan sedangkan perayu-perayu tidak mendapat kebenaran awal mahkamah di bawah s 451(2) Akta Syarikat 2016 ('Akta 777'). Dalam menangani kes responden, Mahkamah Tinggi memutuskan bahawa perayu-perayu terikat dengan proses penyelesaian dan tidak boleh mengemukakan tuntutan mereka di Mahkamah Perusahaan tanpa kebenaran mahkamah terlebih dahulu. Terkilan dengan keputusan Mahkamah Tinggi, perayu-perayu memfailkan rayuan semasa. Isu-isu yang perlu diputuskan adalah: (a) sama ada menteri menggunakan budi bicaranya mengikut undang-undang apabila beliau merujuk tuntutan perayu-perayu untuk penamatan yang tidak adil kepada Mahkamah Perusahaan di bawah s 20(3) Akta 177 sedangkan perayu-perayu tidak memperoleh kebenaran awal mahkamah di bawah s 451(2) Akta 777; dan (b) sama ada perayu-perayu yang telah mengemukakan bukti hutang kepada penyelesai telah dihalang daripada memulakan prosiding di Mahkamah Perusahaan terhadap responden.

Diputuskan, menolak rayuan-rayuan dengan kos sebanyak RM10,000 yang

perlu dibayar oleh perayu-perayu kepada setiap responden:

(1) Seksyen 451(2) Akta 777 ditulis dalam bahasa mandatori. Ia menetapkan bahawa tiada tindakan atau prosiding boleh dikenakan terhadap syarikat dalam penyelesaian kecuali dengan kebenaran mahkamah. Ia menghendaki semua penuntut terhadap syarikat dalam penyelesaian untuk mendapatkan semula tuntutan kewangan mereka dalam penggulungan sahaja, kecuali dengan kebenaran mahkamah (lihat perenggan 13).

(2) Mahkamah bersetuju dengan pandangan hakim bicara bahawa s 451(2) Akta 777 hendaklah dibaca bersama dengan s 20(3) Akta 177 dan peruntukan yang pertama yang merupakan peruntukan yang lebih khusus yang memperkatakan bila prosiding boleh dimulakan terhadap sesuatu syarikat apabila perintah penggulungan telah dibuat, mengatasi s 20(3) Akta 177 yang merupakan suatu peruntukan am. Mahkamah bersetuju dengan hakim bicara bahawa menteri telah terkhilaf dari segi undang-undang dan melebihi kuasa yang diberikan kepadanya di bawah Akta 177 dalam merujuk tuntutan perayu-perayu ke Mahkamah Perusahaan tanpa memastikan perayu-perayu terlebih dahulu mendapat kebenaran daripada mahkamah penggulungan. Oleh itu mahkamah memutuskan bahawa hakim bicara adalah betul dalam berpendapat bahawa menurut s 451 Akta 777, tuntutan perayu-perayu hanya boleh dibuat dalam prosiding penggulungan dan tidak boleh dibuat dengan cara lain kecuali dengan kebenaran mahkamah (lihat perenggan 16–17).

(3) Dengan mengemukakan bukti hutang mereka, perayu-perayu telah kehilangan hak mereka untuk pergi ke Mahkamah Perusahaan. Perayu-perayu telah, dalam tuntutan mereka kepada penyelesai, memohon banyak relif, termasuk faedah penamatan dan pampasan sebagai ganti penamatan. Oleh kerana tuntutan-tuntutan ini mampu dibuktikan dalam penyelesaian, dan sedang menunggu penghakiman pada masa itu, perayu-perayu terikat dengan proses penyelesaian. Remedi mereka jika mereka tidak berpuas hati dengan keputusan penyelesai, adalah untuk merayu terhadap keputusan penyelesai kepada Mahkamah Tinggi seperti yang diperuntukkan di bawah Akta 777. Oleh itu mahkamah menolak dakwaan perayu-perayu bahawa mereka berhak merujuk pertikaian mereka ke Mahkamah Perusahaan tidak kira sama ada mereka telah mengemukakan bukti hutang atau tidak. Setelah memilih untuk menguatkuasakan tuntutan mereka dengan mengemukakan bukti hutang, mereka terikat dengan proses penyelesaian (lihat perenggan 21 & 23).

(4) Dalam keadaan tersebut, tiada sebab untuk mahkamah mengganggu keputusan yang sedang dirayu. Mahkamah bersetuju dengan alasan Mahkamah Tinggi untuk membatalkan keputusan menteri dan berpendapat bahawa perayu-perayu terikat dengan proses penyelesaian

dan tidak boleh mendapatkan tuntutan mereka di Mahkamah Perusahaan tanpa kebenaran mahkamah terlebih dahulu (lihat perenggan 24).]

Cases referred to

Craven v Blackpool Greyhound Stadium & Racecourse Ltd [1936] 3 All ER 513, CA (folld)
Isuta International Sdn Bhd & Ors v Mahkamah Perusahaan Malaysia & Anor [2013] 8 CLJ 1040, IC (refd)
Malaysian Motor Insurance Pool v Tirumeniyar a/l Singara Veloo [2020] 1 MLJ 440; [2019] 10 CLJ 731, FC (refd)
Mariana Ghazali & Ors v Co-operative Central Bank Ltd (in Receivership) [1989] 2 ILR 497, SC (distd)
Minister of Labour, Malaysia v Lie Seng Fatt [1990] 2 MLJ 9, SC (refd)
Mosbert Berhad (in liquidation) v Stella D' Cruz [1985] 2 MLJ 446, SC (refd)
Vishnu a/l Telagan v Timbalan Menteri Dalam Negeri, Malaysia & Ors [2019] 6 MLJ 1; [2019] 9 CLJ 177, FC (refd)

Legislation referred to

Companies Act 1965 (repealed by Companies Act 2016) s 226(3)
Companies Act 2016 ss 451, 451(2), 456, Eleventh Schedule, Twelfth Schedule, Parts I, II
Industrial Relations Act 1967 s 20(3)

Appeal from: *Utusan Melayu (M) Bhd (in voluntary winding up) v Menteri Sumber Manusia & Ors and another application* [2023] 8 MLJ 131 (High Court, Kuala Lumpur)

Tan Chong Lii (with Abd Halim bin Abdul Karim and Earn Karim) (Mazri Halim & Partners) for the appellants.
Afdhilani Jusoh @ Alias (with Rajvinder Singh Singh and Sera Foong Chui-Yeng) (Dennis Nik & Wong) for the respondent.

Komathy Suppiah JJCA:

INTRODUCTION

[1] There are four appeals before us. The appellants are former employees of the respondent company. These appeals have arisen as a result of the termination of the appellants when the respondent ceased business when it was placed under creditors' voluntary liquidation. Following their termination, the appellants instituted proceedings against the respondent in the Industrial Court seeking relief for unfair dismissal.

BACKGROUND FACTS

[2] The background facts are comprehensively set out in the submissions of the parties and we adopt the same.

[3] On 7 October 2019, the Board of Directors of the respondent declared that the respondent was unable to continue its business by reason of its liabilities and Datuk Tee Guan Pian was appointed as the interim liquidator for the respondent.

[4] Subsequently, a Members' and Creditors' Meetings were held separately on 6 November 2019 whereas Datuk Tee Guan Pian has been appointed as the liquidator of the respondent.

[5] On 19 December 2019, following the respondent's application to the court vide originating summons No WA-24NCC-678–12 of 2019, approval was granted to the liquidator pursuant to s 456 of the Companies Act 2016 read together with the Eleventh Schedule to exercise all functions and powers of the liquidator provided under Part I and II of the Twelfth Schedule of the CA.

[6] Pursuant to the liquidation of the respondent on 7 October 2019, it ceased its operation which in turn led to the termination of all the employees including the appellants herein. The appellants lodged a representation to the Director General of Industrial Relations on their termination from the respondent.

[7] The Director General of Industrial Relations upon receipt of the representation called for reconciliation meetings between the appellants and other ex-employees (in a separate meeting) with the liquidator of the respondent, but was unsuccessful. Thereafter, the Director General of Industrial Relations referred the matter to the Minister of Human Resources ('Minister').

[8] Vide letter dated 4 August 2020, the Minister decided for the representations of the appellants to be referred to the Industrial Court under s 20(3) of Act 177.

ISSUES RAISED ON APPEAL

[9] The two main issues in these appeals are first, whether the Minister exercised his discretion in accordance with the law when he referred the appellants' claims for unfair dismissal to the Industrial Court under s 20(3) of the Industrial Relations Act 1967 ('the IRA') when the latter had not obtained

the prior leave of the court under s 451(2) of the Companies Act 2016 ('the CA'). The second issue is whether the appellants having lodged proofs of debt with the liquidator are barred from instituting proceedings in the Industrial Court against the respondent.

[10] On the first issue, the appellants contend that the Minister had acted in accordance with the law as no leave is required under s 20(3) of the IRA for the appellants to institute proceedings against the respondent. In any event, they argue that s 20(3) of the IRA is not subject to or controlled by s 451 of the CA as it is a specific provision as opposed to s 451, a general provision. They also contend that s 451 of the CA does not apply to tribunals like the industrial court but only to civil courts. In support of their proposition that leave is not required, the appellants rely on the decision of the Supreme Court in *Mariana Ghazali & Ors v Co-operative Central Bank Ltd (in Receivership)* [1989] 2 ILR 497.

[11] Sections 20(3) of the IRA provides:

> Where the Director General is satisfied that there is no likelihood of the representation being settled under subsection (2) the Director General shall refer the representations to the Court for an award.

[12] Section 451 of the CA provides:

> (1) Any attachment, sequestration, distress or execution put in force against the estate or effects of the company after the commencement of a creditors' voluntary winding up shall be void.
>
> (2) After the commencement of the winding up, no action or proceeding shall be proceeded with or commenced against the company except by leave of the Court and subject to such terms as the Court may impose.

[13] Section 451(2) of the CA is couched in mandatory language. It stipulates that no action or proceedings can be brought against the company in liquidation except with the leave of the court. It requires all claimants against a company under liquidation to recover their monetary claims in the winding up only, except with the leave of the court. This is to bring all actions and proceedings against the company before one forum so that they can be conveniently and expeditiously dealt with, while minimizing costs, and preventing a multiplicity of actions which may result in the assets of the company being dissipated.

[14] We turn now to examine the case of *Mariana Ghazali*, upon which the appellants rely on strongly. There, counsel for the receivers raised a preliminary objection in the Industrial Court that since the receivers were appointed by the High Court, proceedings against them may not be instituted without the leave

of the court. The Industrial Court held that no leave was required. On appeal, the decision was affirmed by the Supreme Court.

[15] In our view, that case has no application to the present case, as the company in that case, was not under liquidation but under receivership. In any event, only the written grounds of the Industrial Court Chairman Mr W Satchithanandhan is available. The Supreme Court in dismissing the appeal against his decision did not provide written grounds for its decision. It is thus not known whether the Supreme Court affirmed the decision of the Industrial Court on grounds other than those relied on by the lower courts. It is trite that an unwritten decision of a higher court, whether sitting in its original or appellate jurisdiction, binds the parties to the action but is not authority for any principle or rule of law and does not bind the lower courts. See *Vishnu a/l Telagan v Timbalan Menteri Dalam Negeri, Malaysia & Ors* [2019] 6 MLJ 1; [2019] 9 CLJ 177 and *Malaysian Motor Insurance Pool v Tirumeniyar a/l Singara Veloo* [2020] 1 MLJ 440; [2019] 10 CLJ 731.

[16] Having considered all the submissions on this issue, we share the judges' view that s 451(2) of the CA must be read together with s 20(3) of the IRA and the former being a more specific provision which deals with when proceedings can be instituted against a company when a winding up order has been made, prevails over s 20(3) of the IRA, a general provision. We find that the view expressed by Varghese George J in *Isuta International Sdn Bhd & Ors v Mahkamah Perusahaan Malaysia & Anor* [2013] 8 CLJ 1040 on the interpretation to be given to s 226(3) of the CA 1965, now s 451(2) of the CA, is a correct statement of the law on the subject. It held that leave of the winding up court is required before a claimant can commence proceedings in the Industrial court against a company that has been wound-up. His Lordship explained:

> [20] The words 'action or proceeding' (taken separately or together, irrespective) as found in s 263(2) (or for that matter in s 226(3) of the CA), must also he accorded a meaning not in isolation but in the context of the totality of the subject provision. Read in that context it followed then that the words 'action or proceeding' referred to some mode or step adopted or taken in the judicial arena to enforce a legal right or where some form of 'adjudication' of interest was involved. A clearance from the High Court by way of leaves was necessary to commence or proceed with that 'action or proceeding' when it was brought against a company where a creditors' winding up, whether voluntary or compulsory was underway.
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> In *Words, Phrases and Maxims Legally and Judicially Defined* by Anandan Krishnan (Vol 12) the following meanings ascribed to the word proceeding are found:
>
> > The term 'proceeding' is very comprehensive and generally speaking means a prescribed course of action for enforcing a legal right ...
> >
> > Proceeding is a prescribed course of action for the enforcement of a legal right ...

> The words is wider in amplitude that the words 'gase'. It may also include administrative proceedings ...
>
> [21] In my reading therefore, the words 'action or proceeding' here in s 263(2), had a wide reach to encompass and cover all types of proceedings before a court, or a tribunal or similar adjudicatory bodies vested with judicial or quasi-judicial powers. The common denominator that had to be applied was whether that forum in question, handling such action or proceeding, was discharging duties to settle disagreements or complaints properly brought or laid before it in accordance with relevant law.
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> The Industrial Court was most definitely one such adjudicatory body statutorily entrusted to deal with industrial relations complaints, subject to the provision of the IRA. It followed then that all proceedings before the IC brought against a company under process of creditors' winding up, were caught within ss 226(3) or 263(3) of CA (as the case maybe) and 'leave' was a prerequisite for that matter or even for any application within that proceeding, to be further proceeded with or progressed.

[17] The Supreme Court in *Minister of Labour, Malaysia v Lie Seng Fatt* [1990] 2 MLJ 9 held that the minister's discretion under s 20(3) of the IRA is wide but not unlimited. In the present case, the Minister acknowledged that at the material time, he knew that the respondent had been wound up and the appellants had lodged proofs of debt with the liquidator. We agree with the trial judge that the Minister erred in law and exceeded the power given to him under the IRA in referring the appellants' claims to the Industrial Court without ensuring that the appellants had first obtained leave from the winding up court. We therefore hold that the trial judge was correct in holding that pursuant to s 451 of the CA, the appellants' claims can only be recovered in the winding up proceedings and cannot be recovered by other means except with leave of the court.

[18] That brings us to the second ground of appeal, about which the parties are fundamentally at odds. It has to do with consequences of the lodging proofs of debt. The facts relevant to this ground are these. All the appellants, save and except for Ahmad Haziq bin Mad Shah and Lukman bin Ismail, filed proofs of debt with the liquidator. In the proofs of debt, the appellants have sought for various reliefs, including termination benefits and compensation in lieu of termination notice.

[19] it is the appellants' contention that the High Court erred in holding that the appellants by lodging proofs of debt, had elected for their claims to be adjudicated upon by the liquidator and subjected themselves to the winding up process. They contend that the submission of the proofs of debt does not preclude them from seeking redress for their wrongful and unjust dismissal in the Industrial Court as it is only the Industrial Court that can determine on the fairness and legality of their dismissal and the remedies they are entitled to.

[20] On this issue, we refer to the decision of the Court of Appeal in *Craven v Blackpool Greyhound Stadium & Racecourse Ltd* [1936] 3 All ER 513. There, a director of a limited company, which went into voluntary liquidation, filed a proof of debt in the liquidation in respect of arrears of salary and damages for dismissal. The director, unhappy with the quantum awarded by the liquidator instituted an action in court for damages against the company. In staying the action, Greer LJ held:

> The creditor was dissatisfied with the amount that had been awarded to him and, after the decision of the liquidator and after he had made up his mind not to take advantage of the provisions of the statute and the rules which entitled him to question the decision of the liquidator by an appeal to a judge in the Chancery Division, he decided that he would like another form of decision, namely, an action for damages in the King's Bench Division, ... it is common knowledge in these matters that the court does not allow two sets of proceedings to go on at the same time in the same matter; it will stay either one or the other in order that there may not be a waste of costs in asking two tribunals to decide the same question.
>
> I think it sufficient to say that the respondent in this case, having selected one method of having his claim adjudicated upon, which gives him the right to question the decision of the liquidator, ought not then to be in a position to select another method which, in my judgment, would have no result because, even if Hilbery J gave him a larger sum than the liquidator had given him, the adjudication by the liquidator would still remain an adjudication which, until it was reversed by a judge in the Chancery Division, would have been binding in the winding up. I think, for these reasons, the learned judge exercised his discretion without due regard to the fact that there had been a claim made in the winding up adjudicated on by the liquidator, though subject to appeal, and, in those circumstances, he really had no option but to stay the proceedings at common law and leave the creditor to his rights in the winding up proceedings.

[21] Greer LJ's statement of principle, in our view, correctly represents the law on the issue. Applying this principle to the facts of this case, it is our judgment, that by lodging their proofs of debt, the appellants have lost their right to go the Industrial Court. As noted earlier, the appellants have in their claims to the liquidator, sought for many reliefs, including termination benefits and compensation in lieu of termination. As these claims were capable of being proved in the liquidation, and were pending adjudication at the time, the appellants were bound by the liquidation process. Their remedy if they are dissatisfied with the decision of the liquidator, is to appeal against the liquidator's decision to the High Court as provided under the CA.

[22] We pause here to observe, that the main reason for the termination of the employment of the appellants was due to the respondent being under the process of liquidation and being unable to continue its business by reason of its liabilities. In these circumstances, it cannot be gainsaid that the remedy of reinstatement is no longer available to the appellants and the only remedy the

A appellants can seek in the Industrial Court is confined to monetary compensation, which can be dealt with adequately with in liquidation process. The Supreme Court in *Mosbert Berhad (in liquidation) v Stella D' Cruz* [1985] 2 MLJ 446 held that a monetary claim can only be recovered in the liquidation and cannot be recovered by other means except with leave of the court.

B

[23] We thus reject the appellants' contention that they are entitled to refer their dispute to the Industrial Court regardless of whether or not they had submitted proofs of debts. Having chosen to enforce their claim by submitting proofs of debt, they are bound by the liquidation process.

C

[24] In the circumstances, we see no reason to disturb the decisions which are being appealed against. We agree with the High Court's reasons for quashing the decision of the Minister and holding that the appellants are bound by the liquidation process and cannot have their claims addressed in the

D Industrial Court without the prior leave of the court.

[25] For the reasons given, we dismiss the appeals. The appellants are to pay costs of RM 10,000 to each respondent.

E

Appeals dismissed with costs of RM10,000 to be paid by appellants to each respondent.

Reported by Dzulqarnain Ab Fatar

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